

CPME0141132

## Patent Office of the People's Republic of China

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<b>Applicant</b>	NISSHIN ENGINEERING CO., LTD.			<b>Seal of Examiner</b>	<b>Date of Issue</b>
<b>Agent</b>	China Patent Agent (H.K.) Ltd.				January 2, 2004
<b>Patent Application No.</b>	01121874.6	<b>Application Date</b>	June 29, 2001	<b>Exam Dept.</b>	
<b>Title of Invention</b>	FINELY-DIVIDED POWDER SPRAY APPARATUS				

*First Office Action*

1. ☒ Pursuant to the provision of Article 35 (1) of the Chinese Patent Law, the examiner made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant on the filing date.
- ☐ Pursuant to the provision of Article 35 (2) of the Chinese Patent Law, the Chinese Patent Office has decided to conduct on its own initiative an examination as to substance of the captioned patent application for invention.
2. ☒ The applicant requests taking the filing date, August 21, 2000, at the JP Patent Office, the filing date, \_\_\_\_\_, at the \_\_\_\_\_ Patent Office, the filing date, \_\_\_\_\_, at the \_\_\_\_\_ Patent Office as the priority date of the present application.
- ☒ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has been submitted by the applicant.
- ☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has not been submitted by the applicant. Pursuant to the provision of Article 30 of the Chinese Patent Law, no priority right shall be deemed to have been claimed.
3. ☐ The applicant filed amended application document(s) on \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Examination has confirmed that \_\_\_\_\_ filed on \_\_\_\_\_ cannot be accepted, \_\_\_\_\_ filed on \_\_\_\_\_ cannot be accepted,
- as the above amendment(s) ☐ is/are not in conformity with the provision of Article 33 of the Chinese Patent Law.
- ☐ is/are not in conformity with the provision of Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☐ For the specific reason that the amendment(s) cannot be accepted, see the text of

the Office Action.

4. ☒ The examination is conducted in the light of the original application document(s)  
☐ The examination is conducted in the light of the following application document(s):  
in the original application documents submitted on the filing date:  
Claim(s) \_\_\_\_\_, page(s) \_\_\_\_\_ of the description, Figure(s)  
of the drawing(s); Claim(s) \_\_\_\_\_, page(s) \_\_\_\_\_ of the description,  
Figure(s) \_\_\_\_\_ submitted on \_\_\_\_\_; Claim(s) \_\_\_\_\_, page (s)  
of the description, Figure(s) \_\_\_\_\_ submitted on \_\_\_\_\_  
☐ Abstract of the description submitted on \_\_\_\_\_.
5. ☐ The present Office Action has been prepared without a search having been  
conducted.  
☐ The present Office Action has been prepared with a search having been  
conducted.  
☒ The following reference document(s) is/are cited in this Office Action (its/their serial  
number(s) will, continue to be used throughout the examination procedure):

No.	Number or Title of Document	Date of Publication (or filing date of interfering application)
1	CN1337277A	(Date) Priority date:2000.8.14 Publication date: 2002.2.27
2	CN1230469A	(Date)1999.10.6
3		(Date)
4		
5		
6		

6. The concluding comments of the examiner are:

- ☒ On the description:  
☐ The content of the application comes within the scope where no patent right is  
granted as provided in Article 5 of the Patent Law.  
☐ The description is not in conformity with the provision of Article 26(3) of the Patent  
Law.  
☒ The drafting of the description is not in conformity with the provision of Rule 18 of the  
Implementing Regulations.
- ☒ On the claims:  
☐ Claim comes within the scope where no patent right is granted as provided in Article  
25 of the Patent Law.  
☐ Claim is not in conformity with the definition of invention in Rule 2(1) of the  
Implementing Regulations.  
☒ Claim 1, 7 does not possess novelty as provided in Article 22(2) of the Patent  
Law.  
☐ Claim \_\_\_\_\_ does not possess inventiveness as provided in Article 22(3) of the  
Patent Law.  
☐ Claim \_\_\_\_\_ does not possess practical applicability as provided in Article 22(4) of

the Patent Law.

- ☐ Claim \_\_\_\_\_ is not in conformity with the provision of Article 26(4) of the Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provision of Article 31(1) of the Patent Law.
- ☒ Claim 1-4 is not in conformity with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provision of Article 9 of the Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity of the provision of Rule 12(1) of the Implementing Regulations.

For specific analyses of the above concluding comments, see the text of this Office Action.

7. In view of the above concluding comments, the examiner holds that:

- ☐ The applicant should amend the application document in accordance with the requirements raised in the text of this Office Action. The amended document(s) should be submitted in duplicate and should conform to the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☒ The applicant should expound in his Observations the reasons why the captioned patent application is patentable and amend the places not conforming to regulations as pointed out in the text of the Office Action, otherwise it would be impossible for the patent right to be granted.
- ☐ The captioned patent application contains no substantive content for which the patent right may be granted, thus if the applicant has not advanced his reasons or has not done so adequately, the application will be rejected.

8. The applicant should pay attention to the following matters:

- (1) In accordance with the provision of Article 37 of the Patent Law, the applicant should submit his/its Observations within **four** months from the date of receipt of this Office Action; if, without any justified reason, the time limit for making response is not met, the application will be deemed to have been withdrawn.
- (2) The amendments made by the applicant to his application should conform to the provision of Article 33 of the Patent Law, the amended text should be in duplicate and the format should conform to the relevant provisions of the Guidelines for Examination.
- (3) The applicant's Observations or amended text should be mailed or presented to the Receiving Section of the Chinese Patent Office. Document no mailed or presented to the Acceptance Section have no legal force.
- (4) Without making an appointment, the applicant and/or agent may not come to the Chinese Patent Office to hold an interview with the examiner.

9. This Office Action consists of the text portion totalling 2 page(s) and of the following annex(es):

- ☒ 2 duplicate copies of the reference document(s) cited totalling 56 page(s).
- ☐
- ☐

## TEXT OF THE FIRST OFFICE ACTION

The present application for a patent for invention relates to a finely-divided powder spray apparatus. Upon examination, the examiner raises comments hereunder.

## I

1. The independent Claim 1 claims a finely-divided powder spray apparatus. Reference 1, an application for a patent for invention filed by other patentee in China having its priority date earlier to the priority date of the present application and a publication date later than that of the present application, has also disclosed a finely-divided powder spray apparatus. Said reference has specifically disclosed following technical features. Namely, said apparatus comprises a spray nozzle pipe for discharging separated particles from the tip together with a gas flow onto a member to be sprayed, which is disposed at a prescribed distance from said member and declined in a prescribed direction. (See the description thereof, the description, page 3, paragraphs 3 and 4 from the bottom; and Figs. 1, 2). Said apparatus also comprises a stopper actuator (99). Said stopper actuator corresponds to a moving-speed control means of Claim 1 and controls a moving-speed of the tip of said spray nozzle pipe, based on a density distribution of the separated particles deposited on the surface of said member to be sprayed in a trial spray. Thus, Reference 1 has disclosed the full technical features of Claim 1. The technical solution of Claim 1 belongs to a single technical field as that of Reference 1 and the two have the same technical steps, forming the same invention. Hence, Reference 1 is a conflicting application detrimental to the novelty of Claim 1 and the technical solution of Claim 1 is thus rendered not to possess novelty under Article 22.2 of the Chinese Patent Law.

2. Claims 2 and 3 define respectively on the basis of Claim 1 that said density distribution is represented by a quadratic function. Yet, the respective technical solution thereof does not contain any specific technical feature relating to controlling the moving-speed of the tip. Hence, the technical solutions of said two claims are unclear and not in conformity with Rule 20.1 of the Implementing Regulations of the Chinese Patent Law.

(Omitted due to relating to the Chinese version which will be handled on our part)

3. Claim 4 further defines on the basis of Claim 1 and there appears in the characterizing portion thereof 'the reduction rate of the density', which lacks a specific definition in the technical solution claimed therein. That is, the definition that the reduction rate of the density relating to a density based on the distance

between a peak point of the density and the spray point is unavailable in Claim 4. It therefore renders the technical solution thereof defined by 'the reduction rate of the density' unclear and not in conformity with Rule 20.1 of the Implementing Regulations.

4. Claim 7 further defines on the basis of Claim 1 that said member to be sprayed is a substrate of liquid crystal displays and said finely-divided powders are spacers for liquid crystal displays. Said additional technical features, however, have been disclosed by Reference 1 (see the description thereof, page 1). Hence, when Claim 1 referred to therein not possessing novelty, the technical solution of Claim 7, which refers to Claim 1, is also rendered not to possess novelty under Article 22 of the Chinese Patent Law.

## II

1. Reference 2 is the prior art most pertinent to the invention subject matter of the present application. The applicant, when making amendments to the independent Claim 1, should have said independent claim demarcated against said reference. Namely, he should incorporate into the preamble portion of Claim 1 technical features in common with Reference 2 and into its characterizing portion technical features distinguishable from said reference. Only thus can the independent Claim 1 be in conformity with Rule 22.1 of the Implementing Regulations.

2. The description is in lack of subtitles each at the beginning of its corresponding description part. This is not in conformity with Rule 18.2 of the Implementing Regulations.

The applicant should seriously amend the present application documents to overcome the above-said defects. Or else, the present application can not be granted a patent right. When filing amendments to the claims, the applicant should consistently amend the description contents whenever necessary. He should take note that amendments so filed not going beyond the contents contained in the original description and claims. The applicant is also reminded of Article 38 of the Chinese Patent Law. If the present application text, notwithstanding its amendments, remains defective under the cases listed in Rule 53 of the Implementing Regulations as having pointed out herein above, the present application will be rejected.